

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Arnoldo Bolivar-Tovar,)
a.k.a.: Arnoldo Bolivar Tovar,)
a.k.a.: Arnoldo Bolivar,)
(A 098 924 987))

Case No. 17-9410 MJ

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 17, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Arnoldo Bolivar-Tovar, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at Nogales, Arizona, on or about October 25, 2014, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

CEB

REVIEWED BY: Charles E. Bailey, P.S. for SAUSA Ryan J. Goldstein

☒ Continued on the attached sheet.


Complainant's signature

Marcus D. Leggett,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: September 18, 2017


Judge's signature

City and state: Phoenix, Arizona

Eileen S. Willett,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Marcus D. Leggett, being duly sworn, hereby depose and state as follows:

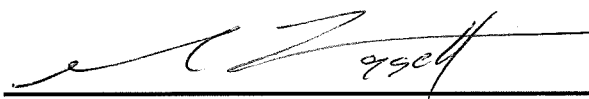
1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On September 17, 2017, while following a lead, the Phoenix (ICE) Mobile Criminal Alien Arrest Team (MCAAT) arrested Arnoldo Bolivar-Tovar, at or near 601 E. South Mountain Avenue, in Phoenix, Arizona. At the scene, MCAAT officers interviewed Bolivar-Tovar and determined him to be a citizen of Mexico, illegally present in the United States. On the same date, Bolivar-Tovar was transported to the Phoenix ICE office for further investigation and processing. Bolivar-Tovar was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Arnoldo Bolivar-Tovar to be a citizen of Mexico and a previously deported criminal alien. Bolivar-Tovar was removed from the United States to Mexico through Nogales, Arizona, on or about October 25, 2014, pursuant to an order of removal issued by an immigration official. There is no record

of Bolivar-Tovar in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Bolivar-Tovar's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Arnoldo Bolivar-Tovar was convicted of Aggravated Assault Domestic Violence and Aggravated Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs, both felony offenses, on August 15, 2014, in the Superior Court of Arizona, Maricopa County. Bolivar-Tovar was sentenced to a term of 4 months' incarceration and 3 years' probation. Bolivar-Tovar's criminal history was matched to him by electronic fingerprint comparison.

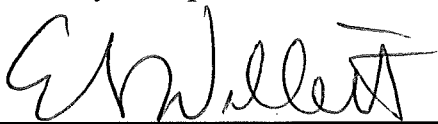
5. On September 17, 2017, Arnoldo Bolivar-Tovar was advised of his constitutional rights. Bolivar-Tovar freely and willingly acknowledged his rights and agreed to provide a statement under oath. Bolivar-Tovar stated that his true and complete name is "Arnoldo Bolivar-Tovar" and that he is a citizen of Mexico. Bolivar-Tovar stated that he illegally entered the United States "2 ano," through "Nogales," without inspection by an immigration officer. Bolivar-Tovar further stated that he had been removed from the United States to Mexico and did not receive permission from the Secretary of the Department of Homeland Security to re-enter the United States after his removal.

6. For these reasons, this affiant submits that there is probable cause to believe that on or about September 17, 2017, Arnoldo Bolivar-Tovar, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at Nogales, Arizona, on or about October 25, 2014, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



Marcus D. Leggett,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 18th day of September, 2017.



Eileen S. Willett,
United States Magistrate Judge